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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,455	09/26/2005	Paolo Gianola	09952.0002	4643

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EXAMINER	
HE, AMY	
ART UNIT	**PAPER NUMBER**
2858	

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/550,455	GIANOLA ET AL.	
	Examiner	Art Unit	
	Amy He	2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) *13-26* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☒ Claim(s) *9-12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 September 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/26/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. The restriction of the prior office action is hereby repeated and made final.

2. Applicant's election of Group I, claims 1-12 in the reply filed on August 30, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Specification

3. The abstract of the disclosure is objected to because it contains informality legal phrase "comprises". Replace the phrase with --includes--. Correction is required. See MPEP § 608.01(b).

Drawings

4. Figures 1-3 and 5-6 are objected to because the empty boxes (e.g. reference numeral 4 in Figure 1; 5 and 9 in Figure 2; 9, 13, 16-18, 21, 22 in Figure 3; 100-106 in Figure 5; 200-224 in Figure 6) need to be labeled with descriptive text. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and

where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 9-12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, and cannot depend from any other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

6. Claim 1 is objected to because of the typo "))" (on line 5). Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 8-9, it is unclear what does the recitation "...fed in at least one frequency band to the antenna" ~~meant~~ mean. AHH 10/27/06

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 5, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admitted prior art, EP1233273.

As for claim 1, EP1233273 discloses a device (1 in Figure 1) for monitoring the electromagnetic field emitted by a transmission apparatus through an antenna, characterized in that it comprises:

a measurement arrangement (the combination of A1-A3, 10, 20, 30, 40, 50, 60, 70 and 80 in Figure 2) adapted to be associated to said transmission apparatus or said antenna for measuring at least one RF power signal emitted by said apparatus and fed in at least one frequency band to the antenna (col. 2, lines 18-22 and col. 3, lines 11-22), wherein said at least one RF power signal is indicative of the electromagnetic field strength over a given area (L, col. 2, line 22), and

a communication device (90, col. 4, lines 21-27) for transmitting said at least one RF power signal to a processing facility (remote station WS in Figure 1).

As for claim 5, EP1233273 discloses the device of claim 1, characterized in that it comprises a memory (ROM and/or RAM, col. 4, lines 17-20) for storing said at least one RF power signal in view of transmitting (using 90) said RF power signal from the device (1).

As for claim 7, EP1233273 discloses the device of claim 1, characterized in that said measuring arrangement comprises a plurality of measuring channels (see the three channels in Figure 2), each measuring channel being adapted for measuring RF power signals fed to said antenna in a respective frequency band (col. 3, lines 11-22).

As for claim 8, EP1233273 discloses the device of claim 7, characterized in that it comprises at least one switch (Band selector 10; or multiplexer 40) for selectively feeding towards said transmitter the output signal of any of said channels, whereby RF power signals respectively indicative of electromagnetic field strengths emitted by said antenna for each of said frequency bands are adapted to be transmitted (by using communication module 90) from the device (1).

9. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Baldwin (U. S. Pub. No. 2003/0114127).

As for claim 1, Baldwin discloses a device (in Figure 2) for monitoring the electromagnetic field emitted by a transmission apparatus (219) through an antenna ([0033], lines 13-16 and [0034]), characterized in that it comprises:

a measurement arrangement (the combination of power detector 221 and BBP 205) adapted to be associated to said transmission apparatus (219) for measuring at least one RF power signal emitted by said apparatus (219) and fed in at least one frequency band to the antenna, wherein said at least one RF power signal is indicative of the electromagnetic field strength over a given area ([0034]), and

a communication device (register 229 which communicates to 203) for transmitting said at least one RF power signal (the averaged power signal) to a processing facility (MAC 203).

As for claim 2, Baldwin discloses the device of claim 1, characterized in that said measuring arrangement comprises a sampling circuit sensitive to the RF power signal fed to the antenna for generating a sequence of samples indicative of the electromagnetic field strength over a given time interval (sampling means for producing the sequence of 8 samples over 8 microsecond time period, [0034], lines 6-17).

As for claim 3, Baldwin discloses the device of claim I, characterized in that said measuring arrangement comprises an average calculating circuit (AVG 227) to generate signals indicative of the average electromagnetic field strength over a given time interval ([0034], lines 16-24).

As for claim 4, Baldwin discloses the device of claim 2, characterized in that:

said sampling circuit generates a first set of samples (8 samples over 8 microsecond time period, [0034]) indicative of the electromagnetic field strength over a given time interval,

said measuring arrangement comprises an average calculating circuit (AVG227) to generate a signal indicative of the average electromagnetic field strength over a given time interval, and

said average calculating circuit (AVG227) is capable of being configured for averaging sub sets of said first set of samples to generate a second set of averaged samples, said second set of averaged samples comprising a number of samples that is smaller than the number of samples comprised in said first set of samples (e.g. the 8 samples in the first set can be viewed as two sub sets of samples, each containing 4 samples. The average calculating circuit AVG 227 is capable of averaging the sub sets, thereby producing a second set of averaged samples comprising 2 averaged power level values, the number of samples, i.e. 2, is smaller than the number of samples, i.e. 8, in said first set of samples).

As for claim 5, Baldwin discloses the device of claim 1, characterized in that it comprises a memory (Register 229) for storing said at least one RF power signal in view of transmitting said RF power signal from the device.

As for claim 6, Baldwin discloses the device of claim 4, characterized in that it comprises a memory (Register 229) for storing said at least one RF power signal in view of transmitting said signal from the device, said memory (Register 229) is capable of being arranged to store said second set of samples.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 2-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art, EP1233273, in view of Baldwin (U. S. Pub. No. 2003/0114127).

As for claims 2-4, EP1233273 discloses the device of claim 1. EP 1233273 does not specifically disclose a sampling circuit for generating a sequence of a first set of samples over a given time interval; and an average calculating circuit to generate the average electromagnetic field strength over a given time interval, wherein the average calculating circuit is configured for averaging sub sets of the first set of samples to generate a second set of averaged samples, said second set of averaged samples comprising a number of samples that is smaller than the number of samples comprised in said first set of samples.

Baldwin discloses a sampling circuit (sampling means for producing the sequence of 8 samples over 8 microsecond time period, [0034], lines 6-17) for generating a sequence of a first set of samples over a given time interval; and an average calculating circuit (AVG227) to generate the average electromagnetic field strength over a given time interval, wherein the average calculating circuit (AVG227) is capable of being configured for averaging sub sets of the first set of samples to generate a second set of averaged samples, said second set of averaged samples

comprising a number of samples that is smaller than the number of samples comprised in said first set of samples(e.g. the 8 samples in the first set can be viewed as two sub sets of samples, each containing 4 samples. The average calculating circuit AVG 227 is capable of averaging the sub sets, thereby producing a second set of averaged samples comprising 2 averaged power level values, the number of samples, i.e. 2, is smaller than the number of samples, i.e. 8, in said first set of samples), for the purpose of averaging the power signal samples and converting an 6 bit power value into an 8-bit value to obtain a gain of 4 and also enables a more accurate averaged power reading ([0034], lines 19-24).

A person of ordinary skill in the art would find it obvious at the time of the invention to modify EP 1233273 to incorporate the use of a sampling circuit for generating a sequence of a first set of samples over a given time interval; and an average calculating circuit to generate the average electromagnetic field strength over a given time interval, wherein the average calculating circuit is configured for averaging sub sets of the first set of samples to generate a second set of averaged samples, said second set of averaged samples comprising a number of samples that is smaller than the number of samples comprised in said first set of samples, as taught by Baldwin, for the purpose of averaging the power signal samples and converting an 6 bit power value into an 8-bit value to obtain a gain of 4 and also enables a more accurate averaged power reading ([0034], lines 19-24).

As for claim 6, EP1233273 discloses a memory (ROM and/or RAM, col. 4, lines 17-20) for storing said at least one RF power signal in view of transmitting (using 90)

said signal from the device (1), said memory (ROM and/or RAM, col. 4, lines 17-20) is capable of being arranged to store said second set of samples.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fu (U. S. Pub. No. 2004/0198232) discloses sampling and averaging the output from a power detector.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy He whose telephone number is (571) 272-2230. The examiner can normally be reached on 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH
October 24, 2006.

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